

REMARKS

Claims 1-31 are pending in this application. In its recent action, the Office rejected claims 1-7, 9-19, 26-27, and 29-30 under 35 USC 102(e) in view of the Taylor patent (USP 6,651,074). The Office rejected claims 20-25 under 35 USC 103(a), also in view of Taylor. Claims 8 and 28 were rejected under 35 USC 103(a) in view of Taylor when combined with the publication by Gurewich.

The 102(e) Rejection in view of Taylor

With regard to independent claims 1, 10, and 26, Taylor does not even suggest, let alone teach, the movement of data between two database systems, one a "source database system" and the other a "target database system," as claimed. Likewise, with respect to claims 22 and 31, Taylor does not show nor suggest a "second database system" that receives data migrated from a "first database system."

Taylor shows a single database system that writes data to a "backup system 12," which is, in essence, a traditional tape backup system. There is nothing to be found anywhere in Taylor's disclosure that would imply a database-management system (DBMS) in Taylor's "backup system." In fact, Taylor's description makes it pretty clear that the "backup system" is not a DBMS at all.

Taylor's "backup system" is exactly that – a backup system. It is, in essence, a control system that receives an "export data stream" from "a set of temporary data stores 34" and archives that data stream to a "backup tape 18A" in "a tape device 18". The "backup system" is not a second database system to which the data from Taylor's "DBMS 22" is restored; it is simply a facility that manages the backup of data from the DBMS. (See Taylor, column 4, lines 49-64.) Taylor's backup technique is certainly more complex and robust than most prior art backup techniques – Taylor uses temporary data stores and intelligent pipes as intermediaries to the backup tape – but it is still just a backup system. It is clear, therefore, that Taylor does not show, nor does he suggest, the "second database," or "target database," of Applicant's claims. Because all of the rejected claims include this limitation, all of them are patentable over Taylor.

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The 103(a) Rejection in view of Taylor and Gurewich

Claims 8 and 28 depend from claims 1 and 26, respectively, and therefore are allowable over Taylor for at least the reasons described above. Because Gurewich, like Taylor, also fails to show the movement of data from a "source database system" to a "target database system," these claims are allowable over the combination of these two references as well.

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CONCLUSION

All of the claims are allowable over the art of record. Applicant asks the Office to allow all of the claims. Please charge any fees that might be due, including the fee for a one-month extension of time, but excluding the issue fee, to deposit account 50-1673.

Date: 6/2/04

Respectfully,



John D. Cowart
Reg. No. 38,415

NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479

(858) 485-4903
(858) 485-2581 (fax)

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